September 16, 2013

The Honorable Mignon Clyburn, Acting Chairwoman
The Honorable Jessica Rosenworcel
The Honorable Ajit Pai
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *NIEA Comments in the Matter of Modernizing the E-rate*
        Program for Schools and Libraries – WC Docket No. 13-184

Dear Chairwoman Clyburn, Commissioner Rosenworcel, and Commissioner Pai:

On behalf of the National Indian Education Association (NIEA), we appreciate the opportunity to provide comments in response to the Notice of Proposed Rule Making (NPRM) regarding the modernization of the E-rate program for schools and libraries (WC Docket No. 13–184). As the national advocate for American Indian, Alaska Native, and Native Hawaiian students, NIEA advances comprehensive educational opportunities for Native people throughout the United States. Our more than 2,000 members work with federal, tribal, public, and private institutions to provide all Native students a high-quality academic and cultural education.

Universal Service Schools and Libraries Program (E-rate)
The E-rate program has been remarkably effective in providing internet access to schools and libraries across the country. When E-rate was created in 1996, only 14 percent of classrooms had internet access; by 2005, that figure was 94 percent. Libraries have similarly increased connectivity. In 1996, only 28 percent of libraries provided public internet access. Today, virtually all libraries provide internet access and 91 percent offer Wi-Fi accessibility.

According to the U.S. Government Accountability Office (GAO), 83 percent of public schools and 51 percent of library systems participate in the E-rate program, many of which serve Native communities. The need now exists to expand and reform the E-rate program so that it not only provides access, but builds capacity for schools and libraries to effectively utilize new technologies aimed at enhancing teaching and learning in a digital world.

According to Federal Communications Commission (FCC) data, half of E-rate applicants have slower connection speeds than that of the average American home, and only 10 percent of schools and libraries funded by E-rate have the broadband capacity that is necessary for high-quality digital learning. On March 3, 2011, the FCC released a Native Nations Notice of Inquiry seeking comments on the digital divide many Native communities face.

The FCC highlighted that tribal lands nationwide continue to have a less than 10 percent broadband penetration rate. These rates lag far behind the country as a whole.

Therefore, NIEA is excited by the President's ambitious goal to connect 99 percent of students with high-speed internet access in schools and libraries within five years. However, the Administration must ensure that Native communities are not the remaining underserved percentage. NIEA hopes that this exciting proposal will better serve Native students and ensure the schools and libraries that serve their communities are connected to a network that is more efficient, effective, and reliable. It is critical that Native students have the same opportunity as their non-Native counterparts in accessing high capacity broadband internet technologies. Otherwise, Native children will be left behind as education tools increasingly become digital.

In order to upgrade today's classrooms and library facilities, the FCC must build on E-rate's record of success while addressing specific issues facing Native communities. Specifically, NIEA urges the FCC to:

Provide Special Consideration for Native Communities
As the Commission considers ways to strengthen E-rate, NIEA encourages the FCC to consider ways to provide special consideration for tribal and Native communities. We appreciate the many instances throughout the NPRM that highlight the potential impact of proposed policies on Native communities. As the FCC considers modifying the discount matrix, NIEA urges the Commission to explore the potential impact of increasing the discount made available to Native communities.

In addition, we also urge caution as the FCC considers increasing requirements for matching funds, particularly for schools and libraries operated within Native communities or those serving large populations of Native students. The goal of increasing private contributions for the deployment of high-quality digital learning is commendable. However, such requirements could likely have the unintended consequence of causing fewer Native-serving institutions to participate in the program because they lack access to private contributions due to their often rural and isolated locations as well as the impoverished nature of some Native communities in which they are situated.

In 2011, the National Indian Education Study found that Native students score lower than other students in reading and math in grades four and eight.[1] Further, the Native high school dropout rate is currently among the highest in the nation, hovering at rates around 60 percent in states with high Native populations.[2] These disparities in education outcomes make access to 21st century learning models via technology all the more important. Due to the high burdens tribes already face, efforts should be undertaken to increase access to valuable funds such as E-Rate.

NIEA recommends:
- That if the Commission increases matching requirements for E-rate, the FCC should exempt schools and libraries operated by the Bureau of Indian Education, tribal governments, or those that predominantly serve Native populations from the matching requirement.[3]

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[1] *National Indian Education Study 2011* (NCES 2012-466). National Center for Education Statistics, Institute of Education Sciences, United States Department of Education. http://nces.ed.gov/nationsreportcard/nies/
[2] School Year 2010-2011 Four-Year Regulatory Adjusted Cohort Graduation Rates, Department of Education. http://www2.ed.gov/documents/press-releases/state-2010-11-graduation-rate-data.pdf
[3] *E-Rate NPRM*, ¶ 165.

Modernize the E-rate Program
Since the program's inception, the success of E-rate has been measured by the number of schools and libraries receiving support. It is time to change that goal from participation to capacity. Simply being connected to the internet is inadequate for today's digital learning – capacity is the key. We suggest that new capacity goals be established to meet the needs of schools, districts, libraries, and library systems that ensure all students have access to high-speed broadband needed to support quality digital learning. Additionally, this plan will compliment advances in future technologies that will support digital education.

The Commission must also take into consideration a school's rural or isolated location as a key factor in determining E-rate funds to increase that institution's capacity to deliver high-quality broadband services. Many Native-serving institutions are geographically isolated and rely on copper cables for communication links. While directing resources to fiber networking is necessary to increase broadband access, there must continue to be adequate resources available to maintain and ensure service via traditional models.

Copper is traditionally more reliable in rural communities and serves as a critical backbone, or safety-net, network for communications if fiber networks malfunction or energy grids go offline. The FCC should also utilize technology advancements such as Very High Bit Rate Subscriber Lines (VDSL), which technology experts have stated could greatly enhance current Digital Subscriber Lines or DSL speeds. While VDSL can only operate over short distances of copper wire, investments in copper upgrades could be a critical cost-saving mechanism for the E-rate program and ensure funding for fiber networks is utilized in areas of true need.

NIEA recommends:
- That if the FCC directs funds to increase broadband via fiber networks, the Commission should ensure traditional models have adequate funding so they will continue to function as a community's lifeline if other, more modern connections fail.
- That the FCC should look at other technological advancements that could compliment and upgrade current, existing copper networks located in Native communities.

Streamline and Increase the Efficiency of the E-rate Process
The E-rate application process has improved, particularly in terms of its online filing system, yet it remains a burdensome undertaking. As a result, many school districts and libraries E-rate is intended to serve (i.e., those serving Native students and communities in rural areas) must hire consultants to apply or choose not to apply at all.

NIEA recommends:
- The FCC consider taking steps to lessen the burden of the application process on applicants so that all schools have an equal opportunity to receive E-rate assistance.
- This should include allowing multi-year applications for non-reoccurring services; developing applicant online portals that will permit application tracking; and encouraging consortia applications.

Expand Funding for the E-rate Program
Demand for E-rate discounts continues to outpace supply by more than two-to-one. For funding year 2013, nearly $5 billion was requested to support the program. However, E-rate funding continues to be capped at roughly $2.4 billion. Under current funding levels, this gap does not represent the total costs

associated with developing a fully functional technological infrastructure that would provide 99 percent of students with high-speed internet access in their schools and libraries.
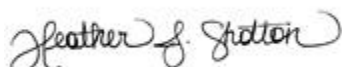
NIEA recommends:
- The FCC and the Universal Service Administrative Company (USAC) increase funding for E-rate to levels that match requested need in order to achieve the President's goal without diverting funds from other critical universal service programs.
- The FCC should also develop a 'tribal priority' for E-rate funding of tribal schools and libraries, including non-Native institutions serving a high percentage of Native students.

Conclusion
NIEA appreciates the FCC's attention to tribal and Native communities in this most recent NPRM. In particular, NIEA applauds the Commission for recognizing the problems Native communities often face when trying to access broadband internet. The Commission must now decide on reforms that successfully address those problems. While the goal of providing 99 percent of U.S. students with high-speed internet access in their schools and libraries within the next five years is both ambitious and achievable, we must work together to ensure Native students are not left behind.

Seldom does a federal agency have the opportunity, capacity, and support to enact reforms that will have such a lasting impact. E-rate has already proven to be effective. Now it must be modernized, simplified, and expanded to provide Native students with modern-day educational opportunities. NIEA appreciates your continued efforts and looks forward to working with you to bring Native-serving classrooms and libraries into the digital age. For questions or concerns, please contact Clint Bowers, NIEA Research and Policy Associate, at 202.544.7290 or *cbowers@niea.org*.

Sincerely,

Heather f. Shotton

President

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